

CWP-11666-2020

2023:PHHC:037838

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11666-2020 (O & M)
Date of decision: 09.03.2023

Bijender Dahiya

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Anil Kumar Sharma, Advocate,
for the petitioner.

Mr. Rajesh Gaur, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the action of the respondents in not awarding correct/entitled marks under head Nos.8 and 9 as per the criteria of awarding marks for nomination/selection of candidates, rendering the petitioner not successful for State Teachers Award, 2019.

Learned counsel for the petitioner makes reference to certificate (Annexure P-7) issued by the Principal Govt. Sr. Secondary School, Bega, Sonipat, to contend that under the supervision of the petitioner, students had performed well and secured the positions at Block, District and State Level. Learned counsel for the petitioner also makes reference to the certificate (Annexure P-12) issued by the Block Education Officer, Gannaur, Sonipat, which indicates that the students of Govt. Sr. Secondary School, Bega, Sonipat, had participated in Science Exhibition,

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organized on 24.12.2018, and secured the second position under the supervision of the petitioner.

However, on the other hand, respondents No.1 to 3-State disputes the aforesaid documents. In the affidavit dated 09.06.2021 filed by the Director General, Elementary Education, Haryana, it has been stated that as per the order-book of the school, no order qua participation in the Science Exhibition at Block Level, w.e.f. 21.12.2018 to 24.12.2018, had been issued in the name of any staff member; that office copy of Annexure P-7 was not available in the school, and that the aforesaid document was not valid for granting marks for the State Teachers Award, for the reason that the same had not been issued or signed by the competent authority.

I have heard the learned counsel for the parties.

The documents (Annexures P-7 and P-12) relied upon by the petitioner, are disputed by the respondents. It is not possible for this Court to give a finding on the disputed questions of fact, which require recording of evidence, while exercising the powers under Article 226 of the Constitution of India. This Court while dealing with the writ petition cannot adjudicate such questions of disputed fact. Moreover, it has not been pleaded as to whether the official respondents were having any malice or ulterior motive against the petitioner.

In view of the above, this Court is not inclined to examine the disputed questions of fact in writ petition.

Dismissed.

09.03.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No